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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/517,635 | 12/13/2004 | Martti Huttunen | 122071 | 3056 |
| 25944 | 7590 | 04/26/2006 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | DONDERO, WILLIAM E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3654 | |
| DATE MAILED: 04/26/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/517,635 | Applicant(s) HUTTUNEN, MARTTI | |
| | Examiner William E. Dondero | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/13/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheshko (USPN 2810436) in view of Yano (JP 6-45172). Regarding Claims 1 and 3, Cheshko discloses a spooling apparatus comprising means (shown but not numbered) for rotatably mounting a first reel 11 and a second reel 12, catching means (see Column 1, Lines 54-63) for guiding a thread 14 to be spooled onto the first reel and further to the second reel and cutting means 16, 17, 18, 19 for cutting the thread to be spooled when the thread to be spooled is guided from the first reel onto the second reel, whereby the cutting means comprises at least two cutting blades 17, 18 of which at least one moves at least in the cutting direction as a result of the tension of the thread to be cut, the

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cutting blades being pivoted together by a pivot point 20 (Figures 1-3; Column 2, Lines 28-50). Cheshko is silent about the cutting blade moving in the cutting direction leaning against a counter surface, which urges the cutting blade to pivot around the pivot point as the cutting means is moved by the tension of the thread to be cut in a direction which lies in an angle with the counter surface and the movement of the cutting blade in the direction of cutting being assisted by a booster means. However Yano discloses a cutter 11 with a cutting blade 11a moving in a cutting direction leaning against a counter surface (inside surface of 14), which urges the cutting blade to pivot around a pivot point as the cutting means is moved by the tension of the thread to be cut in a direction which lies in an angle with the counter surface and a booster means 14 for assisting the motion of the cutting blade (Figures 1 and 4B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cutting means of Cheshko with the cutting means of Yano to allow the mechanism to cut thicker and stronger threads or cables.

Claims 2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheshko (USPN 2810436) in view of Yano (JP 6-45172) as applied to claims 1 and 3 above, and further in view of McKown (USPN 4826103). Regarding Claim 2, Cheshko in view of Yano is silent about the tension of the thread to be cut moves the cutting means against the force of a spring element. However, McKown discloses a cutting mechanism 30 in which the tension of the thread 33 to be cut moves the cutting means 105 against the force of a spring element 133 (Figures 8 and 13-14; Column 8, Line 25 – Column 9, Line 2). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to add the spring element of McKown to the cutting means of Cheshko to hold the cutting means open in the idle position.

Regarding Claim 5, Yano discloses the movement of the cutting blade in the direction of cutting is assisted by a booster means as advanced above in the discussion of Claim 3.

Regarding Claim 4, Cheshko in view of Yano is silent about the booster means being activated by initial movement of the cutting means and/or cutting blade. However, McKown discloses a cutting means 105 with a booster means 109, 125, 130 activated by the initial movement of the cutting means and/or the cutting blade (Figures 8 and 13-14; Column 8, Line 25 – Column 9, Line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the booster means of Cheshko in view of Yano with the booster means of McKown to initially tear the cable by the motion of the cutting mechanism and finish with a clean, efficient cut of thick cable with the assistance of the booster means as taught by McKown (Column 8, Line 25 – Column 9, Line 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wiener, Matsuzaki et al., and Smith et al. are cited for disclosing tension activated cutters.

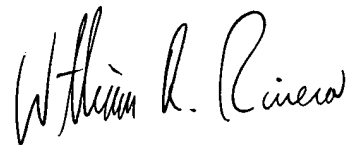
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-

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272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



wed

WILLIAM A. RIVERA
PRIMARY EXAMINER